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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,990	08/17/2001	Wen-Shi Huang	H010019	8682

34003 7590 10/31/2003

INTELLECTUAL PROPERTY SOLUTIONS, INCORPORATED
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EXAMINER

PATEL, NIHIR B

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CS

Office Action Summary	Application No. 09/930,990	Applicant(s) HUANG ET AL.	
	Examiner Nihir Patel	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on August 20th, 2003 have been fully considered but they are not persuasive. The applicant argues that in Budelman, the blower 522 is affixed to the base within the space 418, there are no fins distributed at the central region of the base 412 thus the heat mainly concentrated in the central region of the heat-generating device cannot be dissipated effectively. The examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the applicant argues that there are no fins distributed at the central region of the base but yet it is not claimed) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant also argues that Budelman does not teach that the rotary shaft is located above the lower portion of the second cooling fins. The examiner disagrees. Figure 5A. Budelman does teach that the rotary shaft is located above the lower portion of the second cooling fins.

Claims 9, 15, and 20 are still rejected under 35 U.S.C. 103(a) from the previous office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8, 14, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Budelman US Patent No. 6,244,331. Referring to claim 8, Budelman discloses a heatsink with integrated blower for improved heat exchanger that comprises a centrifugal fan including a rotary shaft and a plurality of blades; and a heat sink 410 (see figure 8) including a plurality of first cooling fins 428 (see figure 8) and a plurality of second cooling fins 430 (see figure 8), wherein an annular cavity 416 and 418 (see figure 8) is defined between the first cooling fins 428 and the second cooling fins; and the second cooling fins include a lower portion; wherein the blades are located in the cavity, and the rotary shaft is located above the lower portion of the second cooling fins.

Referring to claim 14, Budelman discloses a heatsink with integrated blower for improved heat exchanger that comprises a heat sink 410 (see figure 8), including a plurality of first cooling fins 428 and a plurality of second cooling fins 430 (see figure 8), wherein a cavity 416 and 418 (see figure 8) is defined between the first cooling fins 428 and the second cooling fins 428, and the second cooling fins include a lower portion; a cover connected to the heat sink; and a centrifugal fan 522 including a rotary shaft and a plurality of blades, wherein the blades are located in the cavity, and the rotary shaft is connected to the cover and is located above the lower portion of the second cooling fins.

Referring to claim 19, Budelman discloses a heatsink with integrated blower for improved heat exchanger that comprises a heat sink 410 (see figure 8), including a plurality of first cooling fins 428 and a plurality of second cooling fins 430 (see figure 8), wherein a cavity

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416 and 418 is defined between the first cooling fins 428 and the second cooling fins 430; and the second cooling fins include a lower portion; a centrifugal fan 522, giving an axial direction and radial directions and including a rotary shaft and plurality of blades, wherein the blades are located in the cavity, and the rotary shaft is located above the lower portion of the second cooling fins; and a cover 534, including a plurality of inlets 550 disposed on the heat sink and the centrifugal fan 522, wherein air from ambiance is flowed in the axial direction of the centrifugal fan 522 into the heat sink 410 from the inlet of the cover, and is flowed in radial directions of the centrifugal fan out of the heat sink 410.

Referring to claim 10, Budelman discloses a cover 534 formed on the heat sink and the centrifugal fan.

Referring to claims 11, 16, and 21, Budelman discloses an annular cavity 416 and 418 that matches the centrifugal fan (see figure 8).

Referring to claims 12, 17, and 22, Budelman discloses cooling fins that are distributed under and around a region extending from central region of the centrifugal fan to a periphery of the centrifugal fan (see figure 8).

Referring to claims 13, 18, and 23, Budelman discloses a heat sink that is made of a material chosen from the group consisting of aluminum, aluminum alloy, copper, copper alloy, and the combination thereof (see column 4 lines 30-40).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nihir Patel whose telephone number is (703) 306-3463. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful the examiner supervisor Henry Bennett can be reached at (703) 308-0101.

NP
October 20, 2003



Henry Bennett
Supervisory Patent Examiner
Group 3700